



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,101	08/25/2000	Kenji Hatori	CAN0:012	4359

7590 08/26/2004
Rossi & Associates
P O Box 826
Ashburn, VA 20146

EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,101

Applicant(s)

HATORI, KENJI

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 18-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8-15, 18-24, 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under Ex Parte Quayle, 1935 Comm'r Dec. 11 (1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2004 has been entered.

Applicants' response to the last Office Action, filed on July, 2004 has been entered and made of record.

Applicants' amendment has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.

Applicant's arguments with respect to claims 1-6, 8-15, 17-24, and 26-27 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10-15, 17, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP05-342344 to Urushiya et al. (reference of record)

As to claim 10, Urushiya discloses an image processing method comprising:
displaying a synthesized image on display means (fig. 2, S7);
controlling automatically display means to display at least one joint portion (fig. 2 and 3, 0017-0018, note that in S3 a laminated (jointed) image including at least one joint point, see fig. 3, is automatically generated and displayed);
designating the at least one joint portion of said synthesized image displayed on the display means (figs. 2-3, S5, 0019-0020); and
correcting the designated portion of the synthesized image (figs. 2-3, S6, 0021-0022).

As to claim 11, Urushiya further discloses carrying out re-synthesis of images at the joint portion (figs. 2-3, S6 and S7).

As to claims 12-14, Urushiya further discloses inputting relative positions of the images to be joint together at the joint portion and individually moving the image to the position on the display means and superimposing them (figs. 2-3, 0017-0022), and correcting the synthesized image by carrying out re-synthesis based the input positions (figs. 2-3, 0017-0022).

As to claim 15, Urushiya further discloses selecting (pointing) the points to be connected from the partial images to be joint and dragged to the position to be superimposed or conducting the synthesis process automatically by inputting the relative positions of the pictures (figs. 2-3, 0017-0022).

As to claim 17, Urushiya further discloses display controlling for displaying the and in superposition upon the synthesized image (figs. 2-3, 0017-0022).

Claims 1-6, 8, 19-24, 26, and 28 are the corresponding apparatus and machine readable storage medium claims to claims 10-17, respectively. The discussion are addressed with regard to claims 10-17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urushiya in view of US 5721624 to Kumashiro et al. (a reference of record).

As to claim 18, Urushiya does not disclose display written instruction and animation explaining.

Kumashiro, in an analogous environment, further discloses displaying at least one of a written instruction and an animation explaining an operating method concerning correction of the synthesized image on the display when conducting the correction (figs. 12a-12d, and 13, col. 4-col. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Kumashiro in the method of Urushiya in order to efficiently and accurately synthesizing the images (Kumashiro, col. 1 lines 17-col. 2 line 48).

As to claims 9 and 27, the claims 9 and 27 are the corresponding apparatus and machine readable storage medium claims to claims 18 respectively. The discussions are addressed with regard to claim 18.

Contact Information

1. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

